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February 23, 2024

VIA ECF

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *GEM Yield Bahamas Limited, et al. v. Mullen Technologies, Inc., et al.*, 1:24-cv-01120-KPF
Request to Provisionally File Documents Under Seal

To the Honorable Katherine Polk Failla:

We are counsel for Petitioners GEM Global Yield LLC SCS and GEM Yield Bahamas Limited.¹ Pursuant to Rule 9(B) of the Court's Individual Rules of Practice in Civil Cases, we write to respectfully request permission to provisionally file under seal and redact the identified portions of the following documents that are related to Petitioners' Application to Confirm and Enter Judgment on Partial Final Award:

- Application to Confirm and Enter Judgment on Partial Final Award ("PFA Application"): Highlighted portions that quote or refer to potentially confidential documents in the Arbitration, as defined below.
- Petitioners' Memorandum of Law in Support of Application to Confirm and Enter Judgment on Partial Final Award: Highlighted portions that quote or refer to potentially confidential documents in the Arbitration, as defined below.

¹ Petitioners GEM Global Yield LLC SCS and GEM Yield Bahamas Limited are referred to as "GEM." Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc. are referred to as "Mullen."

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As explained in the PFA Application, there is a pending arbitration between GEM and Mullen captioned *GEM Yield Bahamas Limited, et al. v Mullen Technologies, Inc., et al.*, AAA Case No. 01-21-0016-7001 (the “Arbitration”). In the Arbitration, Mullen has taken the position that at least some Arbitration-related materials are confidential and cannot be publicly disclosed.

GEM therefore respectfully requests that the Court provisionally permit the under-seal filing of the above-identified and unredacted documents in order to allow Mullen an opportunity to submit a motion to permanently maintain them under seal. GEM further requests that the Court set the following briefing schedule on any such motion to seal: (1) Mullen’s motion to seal (if any) shall be due within fourteen days of the Court’s order; (2) GEM’s response thereto (if any) shall be due seven days thereafter; and (3) Mullen’s reply (if any) shall be due five days thereafter.

Respectfully submitted,

/s/ Jonathan A. Patchen

Jonathan A. Patchen

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2024, I caused the foregoing Letter Request to Provisionally File Documents Under Seal to be served on the following counsel for Respondents via email. The following counsel have confirmed that they represent Respondents in this action and provided written consent to electronic service via email.

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/s/ Jonathan A. Patchen

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